

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

No claims are currently being canceled or added.

Claims 25, 27, 30, 31, 33, 34 and 39 are currently being amended.

This response amends claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as listed above, claims 25-42 remain pending in this application.

Request for Entry of After-final Response:

It is respectfully requested that this after-final response be considered and entered, since it is believed to place this application in condition for allowance.

Claim Rejections – Prior Art:

In the Office Action, claims 25-42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,671,370 to Heinonen et al. in view of U.S. Patent No. 6,560,467 to Kim. This rejection is traversed for the reasons given below.

In its rejection of claims 25, 27, 33, 34, 37 and 41, the Office Action asserts that Heinonen teaches a key pad (see Figure 2 and special access key 28) that is operative to provide control signals to a control section to cause the control section to search a call history storing area in the control section and the telephone directory memory and, upon a match resulting from the searching, cause to output one of a plurality of sounds which corresponds to a pre-registered calling party stored in the telephone directory memory (see column 7, lines 19-25). Applicant respectfully disagrees with these assertions made in the Office Action.

Namely, as explained in the previously-filed response, Heinonen describes a system and method that allows a calling party to select a particular ring tone that will ring at a called party. While Heinonen's system also allows a user of a telephone to check missed calls, the user must look at a display on the telephone to see the missed calls and to select one to call back. This requires that the user of the telephone open up, or unfold, the telephone to see the display. In any event, even if the operator selects one of the missed calls on the missed call list provided on the display, no sound is emitted when this is done. Rather, the missed call party is called, presumably using a standard ring tone that rings at the called party. No sounds are provided by the telephone at the calling party when this occurs.

Turning now to claim 25, that claim recites that operation of a key causes a control section to search an incoming call history storing area in a control section and the telephone directory memory, and upon a match resulting from the searching, cause to output one of a plurality of sounds which corresponds to a pre-registered calling party. While it is true that Heinonen's telephone stores different ring tones for different calling parties, there is no searching of these ring tones when an operator of Heinonen's telephone selects one of the missed calls on the display of Figure 5 of Heinonen. Rather, only when the operator desires to call a particular party does the operator then select a particular ring tone that will ring at the called party. In other words, the Examiner appears to try to awkwardly combine the 'missing call' features of Figure 5 of Heinonen with the 'ring tone selection to a called party' features of Figure 3 of Heinonen, when in reality these are two separate features that are not related to each other. In any event, there is no disclosure or suggestion that the stored ring tones are searched when the operator of Heinonen's telephone seeks to call one of the missed parties shown in the display of Figure 5 of Heinonen.

Thus, since no searching of an incoming call history storing area with a telephone directory memory to check for a match is performed in the system and method of Heinonen, and since no sound corresponding to a calling party is output through operation of the key (note, at best, even if the Examiner is somehow interpreting the sound made at the called party's telephone when the calling party calls him/her as corresponding to the claimed "sound", this sound corresponds to the called party, and not the calling party), and since Kim does not rectify these deficiencies of Heinonen, claims 25, 27, 33, 34, 37 and 41 are patentable over the combination of Heinonen and Kim.

To address the comments made in the “Response to Arguments” section on page 5 of the Office Action, the system of Heinonen is directed to things that happen at the calling party’s telephone, and thus to state that the claims are so broad that ‘calling party can read on any user, be him/her at the called party or the calling party’, is immaterial to the claims, since no searching as claimed is performed at the called party’s telephone, and the called party’s telephone is just there is provide a sound that has been designated by the calling party when the call is made to the calling party (and thus no searching of information is made at the called party’s telephone). Note that claim 25 recites a foldable portable cellular phone, and thus it corresponds to one phone and cannot correspond to a combination of the calling party’s phone and the called party’s phone. And, in any event, the combination of the calling party’s phone and the called party’s phone of Heinonen would still not meet the specific features recited in the presently pending independent claims.

Please also note that independent claims 25, 33, 34 and 39 have been amended to explicitly recite that the key is configured to be operated by a called party, something that does not occur in the system of Heinonen (since only a calling party operates keys of Heinonen’s telephone).

With respect to dependent claims 26 and 36, the Office Action asserts that column 7, lines 19-44 of Heinonen describes a control section that causes to output one of a plurality of sounds corresponding to a second one of the pre-registered calling parties who called prior to a first one of the pre-registered calling parties in response to multiple successive operations of the key. Applicant respectfully disagrees.

While column 9, lines 20-26 of Heinonen describes a display of missed calls that allows a user to select a missed call to thereby make a call to that missed call party, this is done based on the user’s selection of which missed call to call, and it does not provide a sound corresponding to the selected missed call party. Again, it appears that the Examiner awkwardly trying to combine the ‘select ring tone to ring at called party’ features of Figure 3 of Heinonen with the ‘make a call to a missed call party’ features of Figure 5 of Heinonen, when in fact these are totally separate features that are not combinable with each other. In more detail, assuming that the user of Heinonen’s system selects a missed call party from the display in Figure 5 of Heinonen, and then the user desires to call that missed call party by selecting a ring tone from a list of pre-determined ring tones, as described in column 7 of

Heinonen, no sounds are provided at the calling party's telephone, and also no predetermined order of sounds based on whose missed call came first to the calling party is made in such a system of Heinonen.

Rather, a user must select which calling party to select, and which ring tone to be provided to that calling party, and furthermore this would not be done in response to multiple successive operations of the key. That is, in the system of Heinonen, if the special access key is successively activated, it is unclear what would happen, and certainly there is no teaching that sounds from a predetermined order of missed call parties would be made.

Accordingly, claims 26 and 36 are patentable for these additional reasons.

Conclusion:

Since all of the issues raised in the Office Action have been addressed in this response, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date June 22, 2006

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